

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WAPP TECH LIMITED PARTNERSHIP and
WAPP TECH CORP.,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.

Defendant.

Civil Action No. 4:23-cv-01137-ALM

JURY TRIAL DEMANDED

**DECLARATION OF YURY KALISH IN SUPPORT OF
JPMORGAN CHASE BANK, N.A.'S MOTION FOR
LEAVE TO FILE FIRST AMENDED ANSWER AND COUNTERCLAIMS**

I, Yury Kalish, hereby declare as follows:

1. I am an attorney with Jones Day, in the Washington, D.C. office, and am counsel for Defendant JPMorgan Chase Bank, N.A. ("JPMC") in the above-captioned action. I submit this declaration in support of JPMC's Motion For Leave To File First Amended Answer And Counterclaims. I have personal knowledge of the facts set forth herein unless otherwise indicated.

2. Attached as **Exhibit 1** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Macromedia Flash MX 2004 Using Flash publication with emphasis added in yellow highlighting.

3. Attached as **SEALED Exhibit 2** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the document produced by Plaintiffs in this matter bearing Bates numbers WAPP0010356-WAPP0010364.

4. Attached as **Exhibit 3** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit A-4c to JPMC's invalidity contentions with emphasis added in yellow highlighting.

5. Attached as **Exhibit 4** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit B-4c to JPMC's invalidity contentions with emphasis added in yellow highlighting.

6. Attached as **Exhibit 5** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit C-4c to JPMC's invalidity contentions with emphasis added in yellow highlighting.

7. Attached as **Exhibit 6** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit D-4c to JPMC's invalidity contentions with emphasis added in yellow highlighting.

8. Attached as **Exhibit 7** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit E-4c to JPMC's invalidity contentions with emphasis added in yellow highlighting.

9. Attached as **Exhibit 8** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit A to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

10. Attached as **Exhibit 9** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit B to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

11. Attached as **Exhibit 10** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit C to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

12. Attached as **Exhibit 11** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit D to Plaintiffs' infringement contentions with emphasis added in

yellow highlighting.

13. Attached as **Exhibit 12** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit E to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

14. Attached as **Exhibit 13** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit F to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

15. Attached as **Exhibit 14** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit G to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

16. Attached as **Exhibit 15** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit H to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

17. Attached as **Exhibit 16** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit I to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

18. Attached as **Exhibit 17** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of Exhibit J to Plaintiffs' infringement contentions with emphasis added in yellow highlighting.

19. Attached as **Exhibit 18** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of a Flash 2004 Press Release with emphasis added in yellow highlighting.

20. Attached as **Exhibit 19** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of a Flash 2004 Professional Press Release with emphasis added in yellow

highlighting.

21. Attached as **Exhibit 20** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Macromedia Flash webpage from the Wayback Machine dated September 20, 2003 with emphasis added in yellow highlighting.

22. Attached as **Exhibit 21** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the file history of U.S. Provisional Patent Application No. 60/689,101 with emphasis added in yellow highlighting.

23. Attached as **Exhibit 22** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of an Information Disclosure Statement ("IDS") from the file history of U.S. Patent No. 7,813,910 with emphasis added in yellow highlighting.

24. Attached as **Exhibit 23** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of an IDS and an amendment from the file history of U.S. Patent No. 8,924,192 with emphasis added in yellow highlighting.

25. Attached as **Exhibit 24** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of an IDS from the file history of U.S. Patent No. 9,971,678 with emphasis added in yellow highlighting.

26. Attached as **Exhibit 25** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of an IDS from the file history of U.S. Patent No. 10,353,811 with emphasis added in yellow highlighting.

27. Attached as **Exhibit 26** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of an IDS from the file history of U.S. Patent No. 10,691,579 with emphasis added in yellow highlighting.

28. Attached as **Exhibit 27** to JPMC's First Amended Answer and Counterclaims is a

true and correct copy of Flash Lite User Guide.

29. Attached as **Exhibit 28** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Flash 8 Developing Flash Lite Application publication with emphasis added in yellow highlighting.

30. Attached as **Exhibit 29** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Flash MX Professional 2004 Flash Lite Authoring Guidelines publication.

31. Attached as **Exhibit 30** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the FlashCast Add-in for Flash MX Professional 2004 publication.

32. Attached as **Exhibit 31** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Macromedia FlashCast FAQ publication.

33. Attached as **Exhibit 32** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Unable To Use A Handset Emulator To Test Flash Lite Content publication.

34. Attached as **Exhibit 33** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Creating Flash Lite Application publication.

35. Attached as **Exhibit 34** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the MAX Sneak Peeks publication.

36. Attached as **Exhibit 35** to JPMC's First Amended Answer and Counterclaims is a true and correct copy of the Nokia 9200 Communicator Series Resource Center Download webpage from the Wayback Machine dated September 3, 2002.

37. Attached as **Exhibit 36** is a true and correct copy of the ECF crash report that issued several hours after JPMC's attempted filing of exhibits with JPMC's motion on August 5, 2024.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding. Executed this 28th day of August, 2024, in Washington, D.C.

/s/ Yury Kalish
Yury Kalish